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7 County of Los Angeles, Edward Boyer, and Sterling Norris

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

21 MICHAEL SMITH,
22 Plaintiff,
23 vs.
24 CITY OF LOS ANGELES, RICK
25 LANE, #116702, JOSE L. REYES
#21778, AL GONZALES #15614, LT.
26 LOUIS TROVATO, WILLIE
WILLIAMS, AND DOES 1-10,
27 INCLUSIVE,
28 Defendants.

On June 2, 2009 Defendants County of Los Angeles, Edward Boyer, and Sterling Norris filed a Motion to Dismiss Plaintiff's Second Amended Complaint. On July 16, 2010, the Court granted this Motion as to Defendant Norris. Plaintiff conceded that the County of Los Angeles and Defendant Boyer should also be dismissed. Defendants County of Los Angeles, Edward Boyer, and Sterling Norris filed a proposed Judgment on July 17, 2010, but no final judgment was entered.

This action came on regularly for trial on November 9, 2010, in Courtroom "11" of the United States District Court for the Central District of California before the Honorable Otis D. Wright, II, Trial Judge. Plaintiffs Timothy Gantt and Michael Smith were represented by Chijioke O. Ikonte and Emmanuel C. Akudinobi. The Defendants, City of Los Angeles, Louis Trovato, Jose L. Reyes, Rick Lane, and Al Gonzales, were represented by Deputy City Attorney Surekha A. Pessis and Deputy City Attorney Geoff Plowden.

A jury of twelve (12) persons were regularly empaneled and sworn. Witnesses were sworn and testified and documentary evidence was introduced and admitted into evidence. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on the issues if, after proper deliberations, they could do so. The jury deliberated and thereafter returned to the court with their unanimous verdict as follows, to-wit:

JURY VERDICT

“TITLE OF COURT AND CAUSE”

“WE, THE JURY, in the above-entitled action, unanimously find on the questions presented as follows:

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MALICIOUS PROSECUTION

QUESTION NO. 1: Did any of the defendants subject plaintiff Michael Smith to malicious prosecution?

YES _____ NO

*If you answered “yes”, please proceed to Question No. 2.
If you answered “no”, please proceed to Question No. 4.*

QUESTION NO. 2: Please place a check mark next to the name of each defendant who caused Michael Smith to be maliciously prosecuted.

Rick Lane

Jose Reyes _____

Please proceed to Question No. 3.

QUESTION NO. 3: Was the defendant's conduct as found by you in Question No. 1 a substantial factor in causing injury to Michael Smith?

Rick Lane YES _____ NO _____

Jose Reyes YES NO

Please proceed to Question No. 4.

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QUESTION NO. 4: Did any of the defendants subject plaintiff Timothy Gantt to malicious prosecution?

YES _____ NO ___X___

*If you answered “yes”, please proceed to Question No. 5.
If you answered “no”, please proceed to Question No. 7.*

QUESTION NO. 5: Please place a check mark next to the name of each defendant who caused Timothy Gantt to be maliciously prosecuted.

Rick Lane

Jose Reyes _____

Please proceed to Question No. 6.

QUESTION NO. 6: Was the defendant's conduct as found by you in Question No. 4 a substantial factor in causing injury to Timothy Gantt?

Rick Lane YES _____ NO _____

Jose Reyes YES _____ NO _____

Please proceed to Question No. 7.

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QUESTION NO. 7: Did any of the defendant's deny plaintiff Michael Smith his due process right to fair trial by use of fabricated evidence?

YES _____ NO X _____

*If you answered “yes”, please proceed to Question No. 8.
If you answered “no”, please proceed to Question No. 10.*

QUESTION NO. 8: Please place a check mark next to the name of each defendant who caused Michael Smith to be denied of his due process right to a fair trial.

Rick Lane

Jose Reyes _____

Please proceed to Question No. 9.

QUESTION NO. 9: Was the defendant's conduct as found by you in Question No. 7 a substantial factor in causing injury to Michael Smith?

Rick Lane YES _____ NO _____
Jose Reyes YES _____ NO _____

Please proceed to Question No. 10.

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QUESTION NO. 10: Did any of the defendant's deny plaintiff Timothy Gantt his due process right to fair trial by use of fabricated evidence?

YES _____ NO. X

*If you answered “yes”, please proceed to Question No. 11.
If you answered “no”, please proceed to Question No. 13.*

QUESTION NO. 11: Please place a check mark next to the name of each defendant who caused Timothy Gantt to be denied of his due process right to a fair trial.

Rick Lane

Jose Reyes

Please proceed to Question No. 12.

QUESTION NO. 12: Was the defendant's conduct as found by you in Question No. 10 a substantial factor in causing injury to Timothy Gantt?

Rick Lane YES NO

Jose Reyes YES NO

Please proceed to Question No. 13.

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CONSPIRACY

QUESTION NO. 13: Do you find that defendants Rick Lane and Jose Reyes conspired to violate plaintiff Timothy Gantt's constitutional rights?

YES **NO** **X**

*If you answered “yes”, please proceed to Question No. 14.
If you answered “no”, please sign and date the verdict
form.*

QUESTION NO. 14: Was the conspiracy a substantial factor in causing harm to Timothy Gant?

YES _____ NO _____

DATED: November 24, 2010

FOREPERSON OF THE JURY

JUDGMENT

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That judgment be, and hereby is, entered in favor of the Defendants COUNTY OF LOS ANGELES, STERLING NORRIS, EDWARD BOYER, CITY OF LOS ANGELES, RICK LANE, JOSE L. REYES, AL GONZALES, LOUIS TROVATO, and WILLIE WILLIAMS and against Plaintiff TIMOTHY GANTT;
 2. That the Plaintiff shall take nothing;
 3. That the Defendants recover their costs of suit herein.

Dated: December 1, 2010

OTIS D. WRIGHT

United States District Judge